

BILL LOCKYER, Attorney General  
of the State of California  
KERRY WEISEL, State Bar No. 127522  
Deputy Attorney General  
California Department of Justice  
1515 Clay Street, 20<sup>th</sup> Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 622-2145  
Facsimile: (510) 622-2270

Attorneys for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**Ryan S. Chan, P.T.**  
142 16<sup>th</sup> Street #1  
Pacific Grove, California 93950

License No. PT 19081

Respondent.

Case No. 1D 2002 62966

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

Complainant alleges:

**PARTIES**

1. Steven K. Hartzell (“complainant”) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On May 27, 1993, the Physical Therapy Board issued License Number PT 19081 to Ryan S. Chan, P.T. (“respondent”). The license was in full force and effect at all times relevant to the charges brought in this accusation and will expire on February 28, 2005, unless renewed. The license has been previously disciplined and Mr. Chan is currently on probation to the board as is more specifically set forth below.

3. An Accusation in case number 1D 2002 62966 was filed against Mr. Chan on September 6, 2002. Effective August 11, 2003, Mr. Chan’s license was revoked, the revocation was stayed, and Mr. Chan was placed on probation for five years with terms and

1 conditions including, among others, that he was to obey all federal, state, and local laws and  
2 statutes and regulations governing the practice of physical therapy in California.

### 3 **JURISDICTION**

4 4. This Accusation is brought before the Physical Therapy Board of  
5 California (“board”), under the authority of the following sections of the Business and  
6 Professions Code (“Code”).

7 5. Section 2609 of the Code states:

8 “The Board shall issue, suspend, and revoke licenses and approvals to practice  
9 physical therapy as provided in this chapter.”

10 6. Section 2660 of the Code provides, in pertinent part:

11 “The Board may, after the conduct of appropriate proceedings under the  
12 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose  
13 probationary conditions upon any license, certificate, or approval issued under this chapter for  
14 unprofessional conduct that includes, but is not limited to, one or any combination of the  
15 following causes:

16 “. . . .

17 “(d) Conviction of a crime which substantially relates to the qualifications,  
18 functions, or duties of a physical therapist or physical therapy assistant. The record of  
19 conviction or a certified copy thereof shall be conclusive evidence of that conviction.

20 “. . . .

21 “(l) The commission of any fraudulent, dishonest, or corrupt act which is  
22 substantially related to the qualifications, functions, or duties of a physical therapist or  
23 physical therapy assistant.

24 “. . . .”

25 7. 18 U.S.C. section 2113(a) provides, in pertinent part:

26 “(a) Whoever, by force and violence, or by intimidation, takes, or attempts to take,  
27 from the person or presence of another, or obtains or attempts to obtain by extortion any  
28 property or money or any other thing of value belonging to, or in the care, custody,

1 control, management, or possession of, any bank, credit union, or any savings and loan  
2 association; or whoever enters or attempts to enter any bank, credit union, or any savings  
3 and loan association, or any building used in whole or in part as a bank, credit union, or  
4 as a savings and loan association, with intent to commit in such bank, credit union, or in  
5 such savings and loan association, or building, or part thereof, so used, any felony  
6 affecting such bank, credit union, or such savings and loan association and in violation of  
7 any statute of the United States, or any larceny shall be fined under this title or  
8 imprisoned not more than twenty years, or both.”

9 8. Section 2661.5 of the Code states, in pertinent part:

10 “(a) In any order issued in resolution of a disciplinary proceeding before the  
11 board, the board may request the administrative law judge to direct any licensee found  
12 guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and  
13 reasonable costs of the investigation and prosecution of the case.”

14 **FACTS RE PETITION TO REVOKE PROBATION**

15 9. Mr. Chan has violated the terms and conditions of his probation as more  
16 particularly alleged in the paragraphs below.

17 10. Mr. Chan is in violation of the requirement that he obey all federal laws.

18 11. Mr. Chan has failed to obey the law by violating 18 U.S.C. section  
19 2113(a) by robbing banks as described below.

20 12. The decision in case number 1D 2002 62966 provides that “[i]f  
21 respondent violates probation in any respect, the Board, after giving respondent notice and the  
22 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
23 stayed.”

24 **FACTS RE ACCUSATION**

25 13. At all times relevant to this matter, Mr. Chan has practiced as a physical  
26 therapist in and about Monterey County, California.

27 14. On April 12, 2003, Mr. Chan stole \$572.00 from Union Bank, 531 South  
28 Main Street, Salinas, California. In committing the robbery, Mr. Chan used a demand note in

1 which he claimed to have a gun although one was not displayed during the robbery.

2 15. On April 28, 2003, Mr. Chan stole \$2000.00 from Community Bank, 439  
3 Alvarado Street, Monterey, California. Mr. Chan again used a demand note in which he claimed  
4 to have a gun although one was not displayed during the robbery.

5 16. On May 12, 2003, Mr. Chan stole \$2000.00 from Summit National Bank,  
6 1694 Tully Road, San Jose, California. The teller gave Mr. Chan a strapped bundle of twenty  
7 dollar bills which was an exploding dye pack. Mr. Chan dropped the money in the parking lot of  
8 a fast food restaurant near the bank and ran away.

9 17. On May 12, 2003, approximately a half hour after disposing of the money  
10 and dye pack, Mr. Chan stole \$1400.00 from Bank of the West, 7865 Monterey Road, Gilroy,  
11 California.

12 18. On July 28, 2003, Mr. Chan stole \$2350.00 from General Bank, 10001  
13 North De Anza Boulevard, Cupertino, California. After committing this robbery, Mr. Chan lost  
14 all of the stolen money betting on horse races.

15 19. On July 28, 2003, after losing the previously stolen money betting on  
16 horse races, Mr. Chan stole \$6230.00 from Washington Mutual Bank, 1725 Saratoga Avenue,  
17 San Jose, California.

18 20. On October 14, 2003, Mr. Chan stole \$2346.00 from Wells Fargo Bank,  
19 2792 Homestead Road, Santa Clara, California.

20 21. On December 1, 2003, Mr. Chan stole \$980.00 from Cathay Bank, 2010  
21 Tully Road, San Jose, California. During this robbery, Mr. Chan received an exploding dye pack  
22 which he dropped approximately fifty yards from the bank.

23 22. Because he had had to dispose of the money from the earlier robbery on  
24 December 1, 2003, Mr. Chan committed a second bank robbery that day. On December 1, 2003,  
25 Mr. Chan stole \$1460.00 from World Savings Bank, 2928 Stevens Creek Boulevard, San Jose,  
26 California.

27 23. On December 11, 2003, Mr. Chan stole \$2800.00 from Washington  
28 Mutual Bank, 749 El Camino Real, Mountain View, California. During this robbery, Mr. Chan

1 received an exploding dye pack which failed to activate. He placed the money and his knit cap in  
2 a plastic bag which he deposited in a trash can at Moss landing State Beach.

3           24.     On December 16, 2003, Mr. Chan attempted to rob Wells Fargo Bank, 505  
4 California Avenue, Palo Alto, California. After Mr. Chan handed a demand note to the bank  
5 teller, she locked her drawer, and backed away telling Mr. Chan that he was not going to rob her.  
6 Mr. Chan left the bank without receiving any money.

7           25.     Because he was unsuccessful at his first attempt at robbing a bank on  
8 December 16, 2003, he attempted a second bank robbery on that day. On December 16, 2003,  
9 Mr. Chan stole \$2800.00 from Washington Mutual Bank, 400 North Santa Cruz Avenue, Los  
10 Gatos, California.

11           26.     On January 17, 2004, Mr. Chan attempted to rob Washington Mutual  
12 Bank, 1730 South El Camino Real, San Mateo, California. After Mr. Chan handed a demand  
13 note to the bank teller, the teller claimed not to work there. Mr. Chan left the bank without  
14 receiving any money.

15           27.     Because he was unsuccessful at his first attempt at robbing a bank on  
16 January 17, 2004, he attempted a second bank robbery on that day. On January 17, 2004, Mr.  
17 Chan stole \$4800.00 from Bank of America, 1510 The Alameda, San Jose, California.

18           28.     On February 4, 2004, the Federal Bureau of Investigation arrested Mr.  
19 Chan and placed him into the custody of the United States Marshall's Office.

20           29.     On March 30, 2004, a six count Information was filed in the United States  
21 District Court for the Northern District of California, San Jose Division, in case number CR 04  
22 20047 RMW, entitled *United States of America v. Ryan Stewart Chan*. The Information charged  
23 Mr. Chan with the April 12, 2003 robbery, the April 28, 2003 robbery, the first May 12, 2003  
24 robbery, both July 28, 2003 robberies, and the October 14, 2003 robbery, described above.

25           30.     On May 4, 2004, Mr. Chan pled guilty to Counts 1 through 6 of the  
26 Information.

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### FIRST GROUND FOR REVOCATION OF PROBATION

31. Respondent's conduct, as set forth above, is in violation of the condition of his probation imposed by the decision in case No. 1D 2002 62966 that he obey all federal laws in that he violated 18 U.S.C. section 2113(a) by robbing and/or attempting to rob 14 banks. As further described above, the stipulated decision in case No. 1D 2002 62966 expressly authorizes the board to revoke respondent's probation and carry out the stayed disciplinary order if respondent violates probation in any respect. Grounds therefore exist for revoking respondent's probation in case number 1D 2002 62966 and carrying out the disciplinary order revoking respondent's physical therapist's license, which order had been stayed in that case.

**FIRST CAUSE FOR DISCIPLINE**

(Conviction)

32. Respondent's physical therapist's license is subject to disciplinary action under Business and Professions Code section 2660(d) (conviction) in that he was convicted of violating 18 U.S.C. section 2113(a) (bank robbery), an offense substantially related to the qualifications, functions, or duties of a physical therapist.

## **SECOND CAUSE FOR DISCIPLINE**

(Fraudulent, Dishonest or Corrupt Act)

33. Respondent's physical therapist's license is subject to disciplinary action under Business and Professions Code section 2660(l) (fraudulent, dishonest or corrupt act) in that he committed or attempted to commit 14 bank robberies from April 12, 2003 to January 17, 2004, dishonest and corrupt acts substantially related to the qualifications, functions, or duties of a physical therapist.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Physical Therapy Board of California issue a  
4 decision:

5 1. Revoking or suspending License Number PT 19081, issued to Ryan S.  
6 Chan, P.T.;

7 2. Ordering Ryan S. Chan, P.T. to pay the Physical Therapy Board of  
8 California the reasonable costs of the investigation and enforcement of this case, pursuant to  
9 Business and Professions Code section 2661.5; and

10 3. Taking such other and further action as deemed necessary and proper.

11 DATE: 05/26/2004

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13 Original Signed By:  
14 STEVEN K. HARTZELL  
15 Executive Officer  
16 Physical Therapy Board of California  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant  
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